



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
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DA 18-1202

Released: November 27, 2018

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF PROTOCOL, LLC BY COMBINED PUBLIC COMMUNICATIONS, LLC**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 18-309

Comment Date: December 11, 2018

Reply Comment Date: December 18, 2018

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application¹ filed by Protocall, LLC (Protocall) and Combined Public Communications, LLC (Combined Public) (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to the transfer of certain assets and customers of Protocall to Combined Public.² Applicants consummated the transaction without prior Commission approval on October 1, 2017.³

Protocall, a Kansas limited liability company, provides or is authorized to provide inmate telephone services to correctional facilities in Iowa, Kansas, Colorado, Nebraska, and Missouri. Combined Public, a Delaware limited liability company, provides inmate communications services and has state certifications in Alabama, Colorado, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, and Wyoming. CPC Engle Holdings, Inc. (CPC Engle), a Delaware corporation whose principal business is

¹ Domestic Section 214 Application for the Transfer of Assets Filed by Protocall, LLC and Combined Public Communications, LLC, WC Docket No. 18-309 (filed Oct. 10, 2018) (Application). Applicants filed a supplement to the Application on November 19, 2018. Letter from Lance Steinhart, Attorney for Combined Public Communications, LLC and Protocall, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-309 (filed Nov. 19, 2018) (Supplement Letter).

² See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Applicants also filed applications for the transfer of authorizations associated with international services. Any action on the domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Application at 1. On November 27, 2018, the Bureau granted Applicants' request for special temporary authority to authorize Combined Public to continue providing service for 60 days pending approval of the Application. Letter from Lance Steinhart, Attorney for Combined Public Communications, LLC and Protocall, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-309 (filed Oct. 10, 2018). A grant of the Application would be without prejudice to any enforcement action by the Commission for non-compliance with the Act or the Commission's rules.

telecommunications holdings, indirectly owns 89.84 percent of Combined Public. Applicants state CPC Engle is wholly owned by Cathie Engle, a United States citizen.⁴ Applicants state that no other person or entity holds a 10 percent or greater interest in Combined Public or CPC Engle.

Pursuant to the terms of the proposed transaction, Applicants state that customers continue to be serviced by Combined Public on substantially the same terms and conditions as previously provided by Protocall. Applicants assert that a grant of the application would serve the public interest, convenience, and necessity. Because the proposed transaction is more complex than usual and in order to analyze whether it would serve the public interest, we will accept the Application for non-streamlined processing.⁵

Domestic Section 214 Application Filed for the Transfer of Control of
Protocall, LLC to Combined Public Communications, LLC,
WC Docket No. 18-309 (filed Oct. 10, 2018).

GENERAL INFORMATION

The applications identified herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and petitions **on or before December 11, 2018**, and reply comments or oppositions to petitions **on or before December 18, 2018**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC, 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. All envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD, 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC, 20554.

⁴ Supplement Letter at 1.

⁵ 47 CFR § 63.03(c)(1)(v).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 1-888-835-5322 (tty).

In addition, please provide one copy of each pleading to each of the following:

- 1) Jim Bird, Office of General Counsel, transactionteam@fcc.gov;
- 2) Dennis Johnson, Wireline Competition Bureau, dennis.johnson@fcc.gov;
- 3) Myrva Charles, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 4) David Krech, International Bureau, david.krech@fcc.gov; and
- 5) Sumita Mukhoty, International Bureau, sumita.mukhoty@fcc.gov.

The proceeding in this Notice shall be treated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, then the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁷ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that

⁶ 47 CFR § 1.1200 *et seq.*

⁷ See 47 CFR § 1.45(c).

seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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